



## Health Facility Compliance Guidance Letter

<b>Number:</b> GL 24-2000
<b>Title:</b> Workplace Violence Prevention (SB 240-88R)
<b>Provider Types:</b> Ambulatory Surgical Centers, Freestanding Emergency Medical Care Facilities, General and Special Hospitals, Limited Services Rural Hospitals, Private Psychiatric Hospitals
<b>Date Issued:</b> May 23, 2024

### 1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed acute health care facilities on enacted legislation that impacts their provider type. [Senate Bill \(SB\) 240](#), relating to workplace violence prevention in certain health facilities, took effect September 1, 2023.

This letter provides instruction to ambulatory surgical centers, freestanding emergency medical care facilities, general and special hospitals, limited services rural hospitals and private psychiatric hospitals regarding SB 240 and outlines provider responsibilities and expectations. Please note, this guidance letter only describes the bill provisions relevant to these providers.

### 2.0 Background/History

As stated in [SB 240 author's and sponsor's statement of intent](#), SB 240 is the result of research conducted on workplace violence in health care and is intended to protect Texans working in the health care industry. SB 240 amends current law by creating new requirements which require certain health care facilities to establish a workplace violence prevention committee, policy and plan, and requires certain responses to workplace violence incidents.

### 3.0 Legislative Details & Provider Responsibilities

SB 240 added [Texas Health and Safety Code \(HSC\) Chapter 331](#), which requires a facility<sup>1</sup> to:

- Establish a workplace violence prevention committee that must develop a plan to prevent and respond to incidents of workplace violence.
- Adopt, implement, and enforce a written workplace violence prevention policy.
- Respond to workplace violence incidents by providing post-incident services to health care staff, including acute medical treatment if necessary.

HSC Chapter 331 also prohibits a facility from discouraging health care staff from exercising the right to report a workplace violence incident internally and to law enforcement without retaliation.

#### 3.1 Workplace Violence Prevention Committee

New [HSC Section 331.002](#) requires each facility to establish a workplace violence prevention committee or authorize an already established committee to create a workplace violence prevention plan.<sup>2</sup> The committee must include at least:

- The following staff who provide direct care to the facility's patients:
  - One registered nurse.<sup>3</sup>
  - One licensed physician.<sup>4</sup>
- One facility employee who provides security services for the facility, if the facility has one and if practicable.<sup>5</sup>

New HSC Section 331.002 also allows a health care system owning or operating multiple facilities to create a single committee for all the system's facilities. However, the committee must develop a workplace violence

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<sup>1</sup> Defined at [HSC Section 331.001\(3\)](#).

<sup>2</sup> [HSC Section 331.002\(a\)](#).

<sup>3</sup> [HSC Section 331.002\(b\)\(1\)](#).

<sup>4</sup> [HSC Section 331.002\(b\)\(2\)](#).

<sup>5</sup> [HSC Section 331.002\(b\)\(3\)](#).

prevention plan for each facility and keep workplace violence prevention data distinctly identifiable for each facility.<sup>6</sup>

### 3.2 Workplace Violence Prevention Policy

New [HSC Section 331.003](#) requires a facility to adopt, implement, and enforce a written workplace violence prevention policy to protect health care providers and employees from violent behavior and threats of violence occurring at the facility. The policy must:

- Require the facility to:
  - Significantly consider the violence prevention plan recommended by the facility's workplace violence committee.
  - Evaluate any existing facility violence prevention plan.
- Encourage health care providers and facility employees to provide confidential information on workplace violence to the committee.
- Include a process to protect facility health care providers and facility employees providing information to the committee from retaliation.
- Comply with HHSC rules related to workplace violence.<sup>7</sup>

### 3.3 Workplace Violence Prevention Plan

New [HSC Section 331.004](#) requires a facility to adopt, implement, and enforce a written workplace violence prevention plan to protect facility health care providers and facility employees from violent behavior and threats of violent behavior occurring at the facility.<sup>8</sup>

The workplace violence prevention plan must be based on the practice setting<sup>9</sup> and adopt a definition of "workplace violence" that includes:

- An act or threat of physical force against facility health care providers and facility employees that results in, or is likely to result in, physical injury or psychological trauma.

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<sup>6</sup> [HSC Section 331.002\(d\)](#).

<sup>7</sup> [HSC Section 331.003\(b\)](#).

<sup>8</sup> [HSC Section 331.004\(a\)](#).

<sup>9</sup> [HSC Section 331.004\(b\)\(1\)](#).

- An incident involving a firearm or other dangerous weapon, regardless of whether a facility health care provider or facility employee is injured by the weapon.<sup>10</sup>

The plan must also require the facility to provide workplace violence prevention training or education at least annually. The facility may provide the training or education with other required training or education the facility provides to direct patient care staff.<sup>11</sup>

Additionally, the plan must:

- Prescribe a system for responding to and investigating violent or potentially violent incidents at the facility.<sup>12</sup>
- Address physical security and safety.<sup>13</sup>
- Require the facility to solicit information from facility health care providers and facility employees when developing and implementing a workplace violence prevention plan.<sup>14</sup>
- Allow facility health care providers and facility employees to report incidents of workplace violence through the facility's existing reporting systems.<sup>15</sup>
- Require the facility to adjust patient care assignments as much as possible to prevent a facility health care provider or facility employee from treating or providing services to a patient who has intentionally physically abused or threatened the provider or employee.<sup>16</sup>

The facility may meet the above requirements by referencing other internal facility policies and documents in the workplace violence prevention plan.<sup>17</sup>

A facility's workplace violence prevention committee must review and evaluate the plan and report the evaluation results to the facility's governing body at least annually.<sup>18</sup>

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<sup>10</sup> [HSC Section 331.004\(b\)\(2\)](#).

<sup>11</sup> [HSC Section 331.004\(b\)\(3\)](#).

<sup>12</sup> [HSC Section 331.004\(b\)\(4\)](#).

<sup>13</sup> [HSC Section 331.004\(b\)\(5\)](#).

<sup>14</sup> [HSC Section 331.004\(b\)\(6\)](#).

<sup>15</sup> [HSC Section 331.004\(b\)\(7\)](#).

<sup>16</sup> [HSC Section 331.004\(b\)\(8\)](#).

<sup>17</sup> [HSC Section 331.004\(c\)](#).

<sup>18</sup> [HSC Section 331.004\(d\)](#).

Each facility must make an electronic or print copy of the plan available to all facility health care providers and facility employees upon request. If the committee determines the plan contains information that would pose a security threat if made public, the committee may redact that information before making the plan available.<sup>19</sup>

### 3.4 Responding to Incident of Workplace Violence

[HSC Section 331.005](#) requires a facility to offer at least immediate post-incident services after an incident of workplace violence. Immediate post-incident services must include acute medical treatment for each facility provider or employee directly involved in the incident.<sup>20</sup> A facility may not discourage a healthcare provider or employee from contacting law enforcement about an incident of workplace violence.<sup>21</sup> A person may not discipline, discriminate against, or retaliate against someone who reports a workplace violence incident or advises a provider or employee of their right to report an incident of workplace violence.<sup>22</sup>

### 4.0 Resources

View SB 240 88<sup>th</sup> Legislature, Regular Session (2023) at:  
<https://capitol.texas.gov/tlodocs/88R/billtext/html/SB00240F.htm>.

View HSC Chapter 331 at:  
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.331.htm>.

View Author's Statement of Intent in Bill Analysis at:  
<https://capitol.texas.gov/tlodocs/88R/analysis/html/SB00240F.htm>

To receive future updates, sign up for GovDelivery at:  
<https://service.govdelivery.com/accounts/TXHHSC/subscriber/new>.

### 5.0 Contact Information

Email the Policies and Rules Unit at [HCR\\_PRU@hhs.texas.gov](mailto:HCR_PRU@hhs.texas.gov) if you have any questions about this letter.

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<sup>19</sup> [HSC Section 331.004\(e\)](#).

<sup>20</sup> [HSC Section 331.005\(a\)](#).

<sup>21</sup> [HSC Section 331.005\(b\)](#).

<sup>22</sup> [HSC Section 331.005\(c\)](#).